REPEALED

AN ORDINANCE NO. 83-1

AN ORDINANCE ENACTING REGULATIONS GOVERNING DOGS IN THE CITY OF WENDOVER, INCLUDING RESTRICTIONS FOR RUNNING AT LARGE AND PURCHASING LICENSES, AS WELL AS PROVISIONS FOR THE REGULATION AND DIRECTION OF AN ANIMAL CONTROL OFFICER AND PROVIDING FOR MISDEMEANOR PENALTIES FOR VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE WENDOVER CITY COUNCIL that the following shall be adopted as the Animal Control Ordinance of the City of Wendover:

CHAPTER 1

ANIMAL CONTROL ORDINANCE OF 1983

SECTIONS:

-1-1. Title of Act.
-1-2. Violations of Act are Misdemeanors.
-1-3. Conflicting Ordinances.
-1-4. Severability Clause.
-1-5. Enforcement.

SECTION -1-1. TITLE OF ACT. This title shall be known as the "Animal Control Ordinance of 1983".

SECTION -1-2. VIOLATIONS OF ACT ARE MISDEMEANORS. Each violation of this Ordinance shall be a separate and individual offense punishable to the full extent permitted by law. Each day of a continuing offense shall likewise be a separate offense of this act.

SECTION -1-3. CONFLICTING ORDINANCES. All ordinances of the City of Wendover in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION -1-4. SEVERABILITY CLAUSE. If any part of this Animal Control Ordinance of 1983 is found to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION -1-5. ENFORCEMENT. Any Tooele County Peace Officer, Humane Officer, or the Animal Control Officer and his subordinates may, upon finding probable cause that a violation of this Ordinance has occurred, issue a citation citing a person harboring such animal in violation of this Ordinance.

CHAPTER 2

DEFINITIONS

SECTION:

-2-1. Definitions.

-2-1. DEFINITIONS. As used in this act, the following terms shall mean:

(a) ANIMAL. Any live, vertebrate creature, domestic or wild.

(b) ANIMAL SHELTER. Any facility operated by a humane society, or municipal corporation or its authorized agents for the purpose of impounding or caring for animals held under the authority of this act or state law.

(c) COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

(d) FAMILY. Any group of persons, whether related by blood, marriage, or not related, residing in a structure and sharing common living facilities such as bathroom, kitchen, living room or bedroom.

(f) GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

(g) HARBOR. Keeping, feeding, maintaining, sheltering, owning or caring for an animal for three or more successive days.

(h) HUMANE OFFICER. Any person designated by the State of Utah, a municipal government or humane society as a law enforcement officer who is qualified to perform such duties under the laws of this State.

(i) HUMANE SOCIETY. Any organization for the prevention of cruelty to animals incorporated under the laws of the State of Utah.

(j) KENNEL. A location where a business or person engages in boarding, breeding, buying, letting for hire, training for a fee or selling dogs, cats, or other animals. A person who harbors dogs shall be deemed to operate a kennel when more than three dogs are harbored upon the premises of such person, and when such dogs are at least four months old.

(k) OWNER. Any person, partnership, corporation or other legal entity harboring one or more animals.

(l) PERSON. Any entity legally recognized by the State of Utah, including but not limited to citizens and aliens of the United States, partnerships, corporation, sole proprietorships and families.

(m) PET. Any animal kept for pleasure rather than utility.

(n) PUBLIC NUISANCE. Any animal or animals which:

(1) Molest passersby or passing vehicle drivers;
(2) Attacks other animals or attacks persons;
(3) Trespasses on school grounds;
(4) Is repeatedly at large;
(5) Damages private or public property;
(6) Barks, whines, or howls in an excessive, continuous or intimely fashion;
(7) Creates an unsightly habitat, or an odoriferous aroma, either of which is offensive to human beings, or creates a breeding place for flys and other insects.

(o) RESTRAINT. The control of any animal by means of a leash or lead, commands of a responsible person, or by retention upon the real property of the owner.

(p) RUNNING AT LARGE. Being off of or away from the premises of the owner or not under the constant restraint of said owner.

(q) VICIOUS ANIMAL. Any animal or animals that constitute a physical threat to human beings or other animals, whether because of an apparent propensity or an attempt to bite, step upon, knock over another, or otherwise injure said person or animal.

CHAPTER 3

LICENSING REQUIREMENTS

SECTIONS:

-3-1. Licensing Requirements.
-3-2. License fees.
-3-3. Renewal Fee Required.
-3-4. License Application.

-3-5. License Tags and Collars.
-3-6. Replacement of Lost Tags.
-3-7. Issuance of Tags.
-3-8. Altering or Removing Tags.
-3-9. License and Permit Issuance and Revocation.

SECTION -3-1. LICENSING REQUIREMENTS. It shall be unlawful for any person to harbor any dog in excess of seven days without obtaining a license therefor.

SECTION -3-2. LICENSE FEES. The fees applicable to the below designated dogs harbored within the City of Wendover are as follows. Said fees may be changed by Resolution:

(a) If the license is purchased between January 1 and January 31 of the then current year, the fee shall be:

(1) Each unneutered male dog, $5.00;
(2) Each neutered male or female dog, $5.00;
(3) Each unneutered female dog, $35.00.

(b) If the license is purchased after January 31, all above fees shall be doubled. If a person can prove that the unneutered female has been neutered within ninety (90) days after February 1 of that year, then one-half (1/2) of the $70.00 fee shall be returned to that person.

SECTION -3-3. RENEWAL FEE REQUIRED. Each license sold a person, pursuant to this act, shall be valid for the calendar year in which it is purchased, and a new license must be purchased for each succeeding year the dog is harbored in Wendover.

SECTION -3-4. LICENSE APPLICATION. Each person obtaining a license, pursuant to this act, shall complete a written application and shall state in said application: the name and address of the applicant; the sex, breed and color of the animal to be licensed; the number of dogs harbored on the premises wherein the applicant resides.

The applicant shall also display to the City official taking the application, an identifying tag indicating that said animal has had a rabies vaccination within the preceding year, and shall indicate, in writing on the application, the date and the place of, and the person administering said vaccination, and if the applicant claims said animal to have been neutered, a statement signed by the veterinarian who performed such neuterization indicating the date of the operation and the description of the animal neutered.

SECTION -3-5. LICENSE TAGS AND COLLARS. All dogs, subject to the license provisions of this Ordinance, shall wear a suitable collar with the tag attached thereto at all times when not on the premises of the person harboring that animal.

SECTION -3-6. REPLACEMENT OF LOST TAGS. Should an animal lose its license tag issued by the City of Wendover for the then current year, a new one shall be issued upon application for a replacement of said tag and payment of a $3.00 replacement fee.

SECTION -3-7. ISSUANCE OF TAGS. Upon acceptance of the license application and fee, the City of Wendover shall issue a durable tag stamped with an identifyiung number to the applicant for attachemnt to the collar of the animal to which it was issued.

SECTION -3-8. ALTERING OR REMOVING TAGS. No person shall put a tag on any animal for which it was not issued or use the license of any animal for any purpose other than for the identification of the animal to which it was issued, nor deprive any animal of its tag or collar, or alter said tag in any manner.

SECTION -3-9. LICENSE AND PERMIT ISSUANCE AND REVOCATION.

(a) The City of Wendover may revoke any kennel, commercial animal establishment, animal shelter, or permit or any license issued to any person if such person refuses or fails to comply with this act or any applicable law governing the protection or keeping of animals.

(b) Any person whose permit or license is revoked shall, within ten days thereafter, humanly dispose of all animals harbored by such person for which the license or permit has been revoked, and no part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license as herein provided, that the City of Wendover shall be permitted to inspect all animals and the premises where such animals are harbored at any reasonable time, and shall, if permission for such inspection is refused, revoke the permit or license of the refusing person harboring said animals.

(d) No person who has been convicted of cruelty to animals shall be issued a permit to operate any of the above-mentioned establishments or a license to harbor animals within the City of Wendover for one year from the date of the conviction, and only thereafter, if, in the opinion of the Animal Control Officer, a similar offense shall not again occur due to said person's action or inaction.

CHAPTER 4

REDEMPTION OF IMPOUNDED ANIMALS

SECTIONS:

-4-1. Redemption of Impounded Animals in Violation of the Licensing Provision of this Act.
-4-2. Redemption of Impounded Animals - Fees and Disposition if not Reclaimed.
-4-3. Interference with Impounding Prohibited.

SECTION -4-1. REDEMPTION OF IMPOUNDED ANIMALS IN VIOLATION OF THE LICENSING PROVISIONS OF THIS ACT. Any dog impounded pursuant to this Ordinance which is not wearing a tag for the then current year shall not be released from the impound animal shelter unless the owner shall obtain a license as provided by this act.

SECTION -4-2. REDEMPTION OF IMPOUNDED ANIMALS - FEES AND DISPOSITION IF NOT RECLAIMED.

(a) Any owner reclaiming an impunded dog shall pay a fee of $10.00, plus $3.00 for each twenty-four hours or portion thereof as impoundment fees. If the dog is impounded on a second occasion, the fee shall double; on a third impound, it will triple, etc.

(b) Any animal not reclaimed by its owner within seventy-two hours of notice of its impoundment being given orally to said owner, shall become the property of the local governmental authority or humane society for not less than the accrued impoundment fee, or may be humanely disposed of.

(c) If the owner of said animal cannot be ascertained by the impounding authority within seventy-two hours of its impoundment, said animal may likewise be sold, placed or disposed of as herein provided at the expiration of said seventy-two hours.

SECTION -4-3. INTERFERENCE WITH IMPOUNDING PROHIBITED. It shall be unlawful for any person to hinder, delay, interfere with or obstruct the Animal Control Officer, Humane Officer, or any Peace Officer while engaged in capturing, securing, or taking or apprehending any dog to break open or in any manner directly or indirectly to aid, counsel or advise the breaking open of any animal shelter, kennel, or commercial animal establishment so as to permit or allow the escape from such vehicle or establishment of any animals contained therein.

CHAPTER 5

PROTECTION OF ANIMALS

SECTIONS:

-5-1. Animal Care.
-5-2. Running at Large.
-5-3. Retaking Animals Unlawfully.
-5-4. Trespass on Property.
-5-5. Restraint.

SECTION -5-1. ANIMAL CARE. It shall be unlawful for any person to:

(a) Fail to provide an animal which he is harboring with sufficient good and wholesome food, water, proper shelter and protection from the weather, humane care and treatment and a clean shelter free of offensive odors or accumulation of waste.

(b) Beat, cruelly ill treat, torment, overload, overwork, maim or otherwise abuse an animal.

(c) Abandon an animal under circumstances where the abandoning person does not make prior arrangements for the proper harboring of such animal.

(d) Wilfully fail to report injury or death to an animal caused by a motor vehicle striking the same. Such notice shall be given immediately upon the occurrence, to the owner by the party striking said animal with a motor vehicle and if the owner cannot be ascertained, to the Wendover City Police Department.

(e) To wilfully kill any animal by poison or to expose any poisonous substance with the intent that it shall be taken by any animal. This provision does not apply to the baiting of rodents with commercially purchased and treated grain.

(f) To allow an animal to remain standing, fastened or otherwise, on any cement, asphalt, metal or other hardened surface for more than five continuous hours in any twenty-four hour period.

(g) To encourage or urge dogs or other animals or fowl to fight, to commence to fight, or otherwise engage in combat.

(h) To secrete or impound the animal of another without the prior knowledge of the owner.

SECTION -5-2. RUNNING AT LARGE. No animal shall be allowed to run at large or be hearded upon any street, sidewalk or any other public place, and all such animals are declared to be estrays, to be captured by the humane officers and impounded at an animal shelter to be sold as provided by law, if not reclaimed by the owner as provided by Chapter 4 of the Animal Control Ordinance of 1983.

SECTION -5-3. RETAKING ANIMALS UNLAWFULLY. Any person who shall take an animal out of the possession of any person lawfully holding the same under the provisions of this act or shall intercept or hinder any person lawfully taking or attempting to take such animal shall be deemed guilty of a Class "B" Misdemeanor.

SECTION -5-4. TRESPASS ON PROPERTY. It is unlawful for the owner or any person harboring domestic fowl such as turkeys, geese, ducks, or chickens to permit such fowl to trespass upon the premises of another, or to house, keep, run or feed any such fowl within fifty feet of any house used for human habitation.

SECTION -5-5. RESTRAINT.

(a) All dogs or other animals shall be kept under restraint when not on the premises of the owner of said dog or other animal.

(b) No person shall allow an animal which he harbors to become a public nuisance.

(c) Every female dog or cat in heat shall be confined by the owner within a building or secure enclosure and shall be securely muzzeled or caged whenever off the premises of its owner, and shall be under the constant restraint of the owner.

CHAPTER 6

CONTROL OFFICER PROVISIONS

SECTIONS:

-6-1. City Animal Shelter.
-6-2. Animal Control Officer.
-6-3. Impoundment.
-6-4. Destruction of Impounded, Unfit Animals.
-6-5. Right to enter Private Property; Instances When Search Warrant Must be Obtained.
-6-6. Quarantined Animals - Observation.
-6-7. Damage of Property.

-6-8. Judge to Have Discretion Regarding Animals Which Repeatedly Violate this Ordinance.

SECTION -6-1. CITY ANIMAL SHELTER. There shall be provided by the City of Wendover, an enclosure, either mobile or permanently mounted, to keep and safely hold all animals impounded by Wendover which shall be known and designated as the Animal Shelter.

SECTION -6-2. ANIMAL CONTROL OFFICER. There shall be a person employed by the City of Wendover who may, in addition to any other duties, be known as the Animal Control Officer, and shall have, among other implied and additional duties, the following:

(a) To provide and maintain for the harboring of all animals impounded by Wendover during the seventy-two or more hours of their impoundment.

(b) To give notice to owners, when possible, of the impoundment of their animal.

(c) To collect impound fees and other charges incurred for impoundment of animals.

(d) To maintain proper accounting records of all receipts and disbursements and records of impoundment and disposal of all animals impounded by the City of Wendover.

SECTION -6-3. IMPOUNDMENT.

(a) It shall be the duty of the Animal Control Officer to take, impound, and safely keep any animals which are in violation of this Ordinance, and specifically, but not by way of limitation, to impound any animal which:

(1) The Animal Control Officer or Humane Officer has probable cause to believe is committing or has committed a public nuisance, been running at large, is a vicious animal, has no license, vaccination, or tags as required by the Ordinance, or is in violation of the provisions of this Ordinance.

(2) Is staked, tied, hearded or pastured upon any street, lane, court, alley square, park or any other place belonging to, or under the control of the City of Wendover or upon any private property without the consent of the owner or lawful occupier of said private property within the limits of the City of Wendover.

(b) In addition to, or in lieu of, as the Animal Control Officer or Humane Officer shall decide, impounding an animal violating the provisions of the Ordinance, the Animal Control Officer or Humane Officer may issue to the known owner of such animal a citation for each violation of this action which has occurred.

SECTION -6-4. DESTRUCTION OF IMPOUNDED, UNFIT ANIMALS. It shall be the duty of the Animal Control Officer to issue and sign a death warrant for and to order the destruction of any animal lawfully taken into custody which, in the opinion of the Animal Control Officer is, by reason of old age, unfit for use, or which is in an incurable, crippled condition, or which is adjudged by a written report of a licensed veterinarian to be afflicted with any painful incurable disease or injury.

SECTION -6-5. RIGHT TO ENTER PRIVATE PROPERTY; INSTANCES WHEN SEARCH WARRANT MUST BE OBTAINED.

(a) The Animal Control Officer or Humane Officer may enter private property, including a dwelling or accessory structure, only when in fresh pursuit or an animal which is running at large, vicious, or any animal which the Animal Control Officer or Humane Officer has reasonable cause to believe is rabid.

(b) The Animal Control Officer or Humane Officer may enter private property in pursuit of, or in order to apprehend and impound, any animal in violation of any provision of this Chapter when an impoundment order has been issued by a judge or magistrative court having jurisdiction to enforce the provision of this Chapter. Said impoundment order may also include a search warrant which shall specify that a dwelling, accessory buildings, or other structures may be entered in enforcing the order and whether the same shall be enforced during the daylight hours only or also during the night time.

(c) An impoundment order shall be issued by a judge or magistrate of any court having jurisdiction of the provisions of this Chapter upon any ex-parte petition and affidavit of any citizen exhibiting reasonable cause to believe a violation of this Chapter to have occurred.

(d) A search warrant shall be issued by any judge, Justice of the Peace, or magistrate of a court having jurisdiction of the provisions of this Chapter upon a petition and affidavit of any citizen exhibiting probable cause that an animal violating any provision of this Chapter is harbored on private property.

SECTION -6-6. QUARANTINED ANIMALS - OBSERVATION. A dog which is known to have bitten or injured any person or animal so as to cause a perforation of the skin, or any animal suspected of being rabid, shall be placed in confinement by the Animal Control Officer and shall be under the observation of a veterinary hospital or other responsible individual, and shall not be killed or released until at least ten days after said impoundment or said skin perforation caused by such animal did occur, whichever is the latter. Any animal of a species subject to rabies that has bitten a person shall likewise be confined and observed for at least ten days after such occurrence. If the animal dies or has been killed, its head shall be removed and immediately taken by the Animal Control Officer to the State Health Laboratory to be examined for rabies.

SECTION -6-7. DAMAGE OF PROPERTY. The owner of any animal which damages private or public property, or injures any animal or person shall be civily liable according to the laws of the State of Utah to the person suffering said damage or injury for the amount of damage or injury suffered, plus costs of suit and a reasonable attorney's fee.

SECTION -6-8. JUDGE TO HAVE DISCRETION REGARDING ANIMALS WHICH REPEATEDLY VIOLATE THIS ORDINANCE. Any animals which violate any provisions of this Ordinance on more than one occasion, or is found to have been in violation of more than one count of any prohibited act or failure to act according to this Ordinance, shall, at the discretion of the Judge or Justice of the Peace having jurisdiction to reach judgment in the matter, be destroyed, unless the owner of said animal shall show good cause why said animal should not be destroyed.

Any animal which is found to be a vicious animal according to the provisions of this act, shall be destroyed, at the Court's discretion, after the first such offense, unless the owner shall show good cause why the same should not be destroyed.

CHAPTER 7

EFFECTIVE DATE

SECTION:

-7-1. Effective Date.

SECTION -7-1. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after the date of its passage and

after having been posted in three (3) public places in the City of Wendover, Tooele County, Utah, for a period of not less than twenty (20) days.

PASSED by the City Council of the City of Wendover, Tooele County, Utah, this 1st day of March, 1983.

Hugh K Nelson
MAYOR

ATTEST:

Margaret L. Wheeler
RECORDER

(S E A L)